

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**October 5, 2009**

- C056979      THE PEOPLE v.      (Not For Publication)**  
**JAMES WILLIAM MILLNER**  
The cause is remanded with directions to the trial court to resentence defendant on count 2, in conformity with this opinion. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Raye, Acting P.J.  
Butz, J.
- C057882      THE PEOPLE v.      (Not For Publication)**  
**KENNETH LEE AMES**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Raye, Acting P.J.  
Butz, J.
- C057916      THE PEOPLE v. SHAWN McNARY      (Not For Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Robie, J.
- C058388      THE PEOPLE v. JAMES MORRIS      (Not For Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Robie, J.
- C058491      THE PEOPLE v.      (Not For Publication)**  
**EDWARD ROBINSON**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Robie, J.
- C059415      THE PEOPLE v.      (Not For Publication)**  
**FRANCS EUGENE HANSEN**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Raye, Acting P.J.  
Butz, J.

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**Court Minutes**

**October 5, 2009, Continued**

- C060221      THE PEOPLE v.  
RONALD STEVEN WATSON      (Not For Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur:    Sims, Acting P.J.  
Butz, J.
- C060557      THE PEOPLE v. LARRY KIRK      (Not For Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur:    Hull, J.  
Butz, J.
- C055800      ADAMS v. ROBERT MONDAVI      (Not For Publication)**  
**WINERY WOODBRIDGE et al.**  
The judgment is affirmed. Defendants are awarded their costs on appeal.  
HULL, J.  
We Concur:    Scotland, P.J.  
Cantil-Sakauye, J.
- C057910      PABLO v. HANDAL      (Not For Publication)**  
The judgment is affirmed. Costs on appeal are awarded to plaintiff.  
(Cal. Rules of Court, rule 8.278 (a) . )  
NICHOLSON, Acting P.J.  
We Concur:    Robie, J.  
Butz, J.
- C061130      In re I.A.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. K.B.**  
The juvenile court's orders terminating parental rights are affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:    Sims, Acting P.J.  
Raye, J.

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**Court Minutes**

**October 6, 2009**

- C059386      THE PEOPLE v.      (Not For Publication)**  
**ALAN RICHARD FERGER**  
The judgment is affirmed.  
NICHOLSON, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C059907      THE PEOPLE v.      (Not For Publication)**  
**DUSTY WADE KROIS**  
The judgment is affirmed. The trial court is directed to amend the  
“Felony Docket and Minutes,” dated July 25, 2008...  
SCOTLAND, P.J.  
We Concur: Sims, J.  
Butz, J.
- C061178      THE PEOPLE v.      (Not For Publication)**  
**PASO DESHAWN HARRISON**  
The judgment is affirmed.  
HULL, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C057851      In re the Marriage of ELIZABETH      (Certified For Partial Publication)**  
**and THOMAS L. KNOWLES**  
**ANASTASI v. KNOWLES**  
The order modifying Thomas’s child support obligation is reversed and  
remanded for further proceedings consistent with this opinion. The parties shall  
bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) . )  
NICHOLSON, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C058676      CRAWFORD v. ST. PAUL FIRE AND      (Not For Publication)**  
**MARINE INSURANCE COMPANY**  
The judgment is affirmed. St. Paul shall recover costs on appeal.  
RAYE, Acting P.J.  
We Concur: Hull, J.  
Cantil-Sakauye, J.

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**Court Minutes**

**October 6, 2009, Continued**

- C061233**      **In re A.T.; NEVADA COUNTY**      **(Not For Publication)**  
                 **HUMAN SERVICES AGENCY v.**  
                 **R.M**  
                 The order of the juvenile court terminating appellant's parental rights is affirmed.  
                 RAYE, J.  
We Concur:      Sims, Acting P.J.  
                 Cantil-Sakauye, J.
- C058298**      **McDANIEL, as Trustee, etc. v. ORBEA**      **(Not For Publication)**  
**C058397**      **ORBEA v. McDANIEL**  
                 THE COURT:  
                 The opinion in the above cause, filed September 18, 2009, is modified...  
                 This modification does not change the judgment.  
                 The petition for rehearing is denied.  
                 SIMS, Acting P.J.  
                 Robie, J.  
                 Butz, J.

**October 7, 2009**

- C055964**      **THE PEOPLE v. KEVIN FORD**      **(Not For Publication)**  
                 The judgment is affirmed.  
                 BUTZ, J.  
We Concur:      Raye, Acting P.J.  
                 Cantil-Sakauye, J.
- C061356**      **THE PEOPLE v.**      **(Not For Publication)**  
                 **ANTHONY DUANE HOWARD**  
                 The judgment is affirmed.  
                 ROBIE, J.  
We Concur:      Hull, Acting P.J.  
                 Butz, J.

**October 8, 2009**

**There are no minutes for this date.**

**COURT OF APPEAL  
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**Court Minutes**

**October 9, 2009**

- C057937      THE PEOPLE v.      (Not For Publication)**  
**WILLIAM NORMAN HIGGINBOTHAM**  
The matter is remanded to the trial court to modify count 3 to reflect a conviction of misdemeanor abuse of a dependent adult and to impose sentence accordingly... In all other respects, the judgment is affirmed.  
RAYE, J.  
We Concur:    Blease, Acting P.J.  
                  Nicholson, J.
- C058212      THE PEOPLE v.      (Not For Publication)**  
**JAMES EARL PULFORD**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur:    Blease, Acting P.J.  
                  Cantil-Sakauye, J.
- C058218      THE PEOPLE v.      (Certified For Partial Publication)**  
**SEAN NICHOLAS COYLE**  
The judgment of conviction on count I is modified to reflect defendant was convicted of murder with true findings on the special circumstances that the murder was committed during the commission or attempted commission of a robbery... Defendant's convictions of murder in counts II and III, together with the sentences imposed but stayed on those counts, are reversed and vacated. In all other respects, the judgment is affirmed.  
The trial court is directed to prepare an amended abstract of judgment and minute order to reflect the modifications on count I and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
CANTIL-SAKAUYE, J.  
We Concur:    Sims, Acting P.J.  
                  Robie, J.
- C058321      THE PEOPLE v.      (Not For Publication)**  
**DONALD JOSEPH BERRY**  
The trial court is directed to prepare a corrected abstract of judgment reflecting the stay of sentence pursuant to section 654 for counts two and three, and to send a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur:    Nicholson, J.  
                  Hull, J.

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**Court Minutes**

**October 9, 2009, Continued**

- C058336      THE PEOPLE v. THAE LEE      (Not For Publication)**  
Defendant's sentence is modified by striking the consecutive 20-year term imposed under section 12022.53 ( c ). The trial court is ordered to correct the abstract of judgment to reflect that defendant's total sentence is an indeterminate sentence of 25 years to life in state prison with the possibility of parole. The trial court shall forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.  
BUTZ, J.  
We Concur:    Sims, Acting P.J.  
                  Nicholson, J.
- C058525      THE PEOPLE v.      (Not For Publication)**  
**THERESA MARTINA FAISON**  
The judgment is affirmed.  
RAYE, Acting P.J.  
We Concur:    Butz, J.  
                  Cantil-Sakauye, J.
- C059730      THE PEOPLE v.      (Not For Publication)**  
**CARRINGTON RUSSELLE**  
The judgment is modified to reduce the section 1202.5 crime prevention fine to \$10. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections and Rehabilitation.  
NICHOLSON, J.  
We Concur:    Blease, Acting P.J.  
                  Butz, J.
- C060012      THE PEOPLE v.      (Not For Publication)**  
**LOU HANG SAECHAO**  
The judgment is affirmed.  
BUTZ, J.  
We Concur:    Hull, Acting P.J.  
                  Robie, J.
- C060021      THE PEOPLE v.      (Not For Publication)**  
**ALLEN RAY WHITE**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur:    Nicholson, J.  
                  Cantil-Sakauye, J.

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**Court Minutes**

**October 9, 2009, Continued**

- C060276      THE PEOPLE v.      (Not For Publication)**  
**CAITLIN JAY FARMER**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Blease, Acting P.J.  
Nicholson, J.
- C061305      THE PEOPLE v.      (Not For Publication)**  
**ERIC DERRELE DEARBORNE**  
The matter is remanded for the limited purpose of allowing the trial court to amend the abstract of judgment... The judgment is otherwise affirmed.  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Cantil-Sakauye, J.
- C055954      MALDONADO v. CLUB FRESH      (Not For Publication)**  
The judgment is affirmed. Maldonado shall recover costs on appeal.  
RAYE, J.  
We Concur: Scotland, P.J.  
Blease, J.
- C056561      KINSEY v. UNION PACIFIC      (Certified For Publication)**  
**RAILROAD COMPANY**  
The court's order allowing defendant to recover expert witness fees as costs is reversed, and the cause remanded with instructions to allow and consider a memorandum of costs by defendant seeking ordinary witness fees in a manner consistent with this opinion. Otherwise, the judgment is affirmed. Each side shall bear its own costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a) (5) . )  
NICHOLSON, Acting P.J.  
We Concur: Robie, J.  
Morrison, J.\*

\*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL  
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**Court Minutes**

**October 9, 2009, Continued**

- C059240      DEVORE CONSTRUCTION v.      (Not For Publication)**  
**TIRAPELLI et al.**  
The judgment is affirmed. Costs on appeal are awarded to the Tirapellis.  
(Cal. Rules of Court, rule 8.278 (a) (2) . )  
NICHOLSON, J.  
We Concur:    Blease, Acting P.J.  
                 Butz, J.
- C062364      POUNCIL v. THE SUPERIOR COURT OF      (Not For Publication)**  
**SAN JOAQUIN COUNTY; THE PEOPLE**  
Having complied with the procedural requirements for issuance of a  
peremptory writ in the first instance, we are authorized to issue the writ...  
HULL, Acting P.J.  
We Concur:    Robie, J.  
                 Butz, J.
- C059551      In re J.F.; LASSEN COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND**  
**SOCIAL SERVICES v. B.F.**  
The order denying appellant's motion to modify the restraining order is  
affirmed.  
SCOTLAND, P.J.  
We Concur:    Blease, J.  
                 Robie, J.
- C060666      In re T.S. et al.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. N.B.**  
The order denying the modification petition is affirmed.  
SCOTLAND, P.J.  
We Concur:    Blease, J.  
                 Robie, J.
- C061240      In re T.G.; SACAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. R.P.**  
The appeal is dismissed.  
RAYE, J.  
We Concur:    Sims, Acting P.J.  
                 Cantil-Sakauye, J.